

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

CLAYTON ANDREW SCHWERS,

Plaintiff,

v.

No. 15cv237 KK/WPL

CITY OF ALBUQUERQUE,  
MAYOR RICHARD BERRY,  
RAYMOND SCHULTZ, Chief of Police, APD, (former)  
CHRISTOPHER KERLIN, APD Officer, and  
JOHN MINGS, APD officer,

Defendants.

**ORDER FOR SERVICE**

**THIS MATTER** comes before the Court on Plaintiff's Amended Complaint. *See* Doc. 6, filed April 6, 2015.

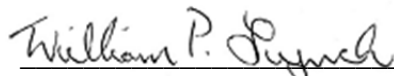
The Court granted Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs (Doc. 2, filed March 20, 2015) pursuant to 28 U.S.C. § 1915. *See* Order, Doc. 4, filed March 24, 2015. Section 1915 provides that the "officers of the court shall issue and serve all process, and perform all duties in [proceedings *in forma pauperis*]"). 28 U.S.C. § 1915(d). Rule 4 provides that:

At the plaintiff's request, the court may order that service be made by a United States marshal or deputy marshal or by a person specially appointed by the court. The court must so order if the plaintiff is authorized to proceed in forma pauperis under 28 U.S.C. § 1915 or as a seaman under 28 U.S.C. § 1916.

Fed. R. Civ. P. 4(c)(3). The Court notified Plaintiff that it would not order service of process because Plaintiff's Complaint, which contained only conclusory allegations, failed to state a claim, and granted Plaintiff leave to file an amended complaint. *See* Doc. 4. Because Plaintiff

timely filed his Amended Complaint, Doc. 6, which contained sufficient factual allegations to state a claim, the Court will order service of process.

**IT IS THEREFORE ORDERED** that the Clerk is directed to issue notice and waiver of service forms, with copies of the Amended Complaint (Doc. 6) and this Order, for Defendants Berry, Schultz, Kerlin and Mings; and the Clerk is directed to issue summons, with copies of the Amended Complaint (Doc. 6) and this Order, for Defendant City of Albuquerque.

A handwritten signature in cursive script, reading "William P. Lynch", is written over a horizontal line.

**UNITED STATES MAGISTRATE JUDGE**